

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

William Jay Hammons,  
Petitioner,

v.

Thomas Carroll, Et., Al.,  
Respondent.

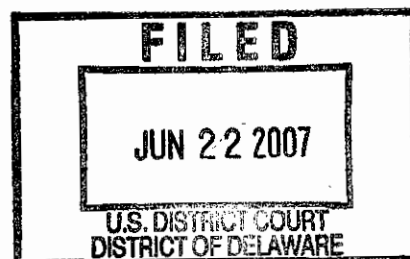
)  
)  
)  
)  
)  
)  
)

Civil Action No. 05-718\*\*\*

MOTION FOR APPOINTMENT OF COUNSEL

Plaintiff William Jay Hammons pursuant to 28 U.S.C. § 1915, requests this court to appoint counsel to represent petitioner in the above-entitled action for the following reasons:

1. The plaintiff is unable to afford counsel.
2. The issues involved in this case are complex.
3. The complaint in this case alleges that the defendant's subject plaintiff to Illegal detention.
4. The plaintiff's allegations, if proved, clearly would establish a constitutional violation.
5. In deciding whether to appoint counsel for an indigent litigant, the court should consider "the factual complexity of the case, the ability of the indigent to investigate the facts, the existence of conflicting testimony, the ability of the indigent to present his claim and the complexity of the legal issues." In addition, courts have suggested that the most important factor is whether the case appears to have merit.
6. The evidence alleged in his habeas petition which is supported by the record and the respondents clear failure to deny any of the allegations in claims three and four of said petition clearly indicate that petitioners habeas corpus appears to have an ample amount of merit that would justify appointing counsel in this case.

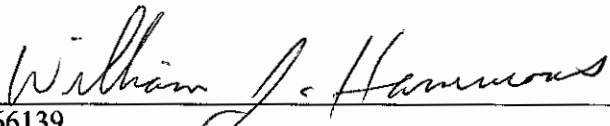


BD scanned

For the foregoing reasons, the court should grant the plaintiff's motion and appoint counsel in this case.

Date: ~~3-24-2007~~

6-20-07

  
166139  
Delaware Correctional Center  
1181 Paddock Road  
Smyrna, DE 19977

UNITED STATES DISTRICT COURT  
DISTRICT OF DELAWARE

William Jay Hammons,  
Plaintiff,

v.

Thomas Carroll, Et., Al.,  
Defendant.

)  
)  
)  
)  
)  
)  
)

Civil Action No. 05-718\*\*\*

ORDER

IT IS HEREBY ORDERED, THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20 \_\_\_\_, THAT THE  
ATTACHED MOTION FOR APPOINTMENT OF COUNSEL HAS BEEN READ AND CONSIDERED. IT IS  
ORDERED THAT THE MOTION IS HEREBY\_\_\_\_\_.

Certificate of Service

I, William Jay Hammons, hereby certify that I have served a true And correct copies  
of the attached motion for appointment of counsel upon the following

parties/person (s):

TO: Elizabeth R. Mcfarlan  
Deputy Attorney General  
Department of Justice  
820 N. French St.  
Wilm.,DE. 19801

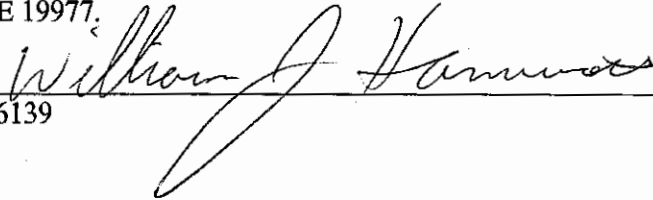
TO:

TO:

BY PLACING SAME IN A SEALED ENVELOPE, and depositing same in the United States Mail at the  
Delaware Correctional Center, Smyrna, DE 19977.

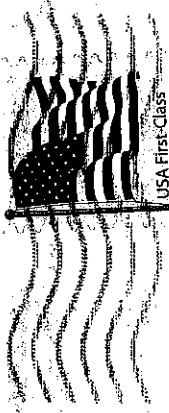
20<sup>th</sup> June  
On this ~~24~~ day of ~~March~~, 2007

166139

  
\_\_\_\_\_

IM William J. Harmons  
SBI# 166139 UNIT D/E  
DELAWARE CORRECTIONAL CENTER  
1181 PADDOCK ROAD  
SMYRNA, DELAWARE 19977

WILMINGTON DE 197  
21 JUN 2007 PM 3 L



Clerk of the Court  
United States District Court  
District of Delaware

844 N. King St.  
Wilmington, DE.  
19801  
U.S.M.S.  
X-RAY